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STORES, L.P.; BESTBUY.COM, L.L.C.; and
MAGNOLIA HI-FI, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

Master Case No.: 3:07-cv-05944-SC
MDL No. 1917

[Honorable Samuel Conti]

This document relates to:

Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,
No. 11-cv-05513-SC

Best Buy Co., Inc., et al. v. Technicolor SA, et
al., No. 13-cv-05264-SC

**DECLARATION OF DAVID
MARTINEZ IN SUPPORT OF BEST
BUY'S ADMINISTRATIVE MOTION
TO FILE UNDER SEAL PURSUANT
TO CIVIL LOCAL RULES 7-11 AND
79-5**

1 I, David Martinez, declare that:

2 1. I am a member in good standing of the State Bar of California and am admitted to
3 practice before this Court. Except for those matters stated on information and belief, which I
4 believe to be true, I have personal knowledge of the facts recited in this declaration and, if called
5 upon to do so, I would competently testify under oath thereto.

6 2. I am a partner of the law firm of Robins, Kaplan, Miller & Ciresi L.L.P., counsel
7 of record for Plaintiffs Best Buy Co., Inc.; Best Buy Purchasing LLC; Best Buy Enterprise
8 Services, Inc.; Best Buy Stores, L.P.; Bestbuy.Com, L.L.C.; and Magnolia Hi-Fi, LLC
9 (collectively "Best Buy"), in the above-captioned lawsuit. I submit this declaration pursuant to
10 L.R. 79-5 in support of Best Buy's Administrative Motion to File Documents Under Seal.

11 3. On July 7, 2014, Best Buy filed its Objection to the Special Master's Order Re
12 Best Buy's Motion for a Protective Order ("Objection") and the supporting Declaration of David
13 Martinez ("Martinez Declaration"), which attaches evidence in support of the Objection.

14 4. The Objection, Exhibits 1-3, and certain documents attached as part of Exhibits 5
15 and 7 to the Martinez Declaration ("Designated Exhibits") contain excerpts from and/or
16 statements derived from documents and testimony which have been designated "confidential" or
17 "highly confidential" pursuant to the Stipulated Protective Order governing the CRT Antitrust
18 MDL, which was entered by Judge Samuel Conti on June 18, 2008 (Dkt. 306). To qualify as
19 confidential or highly confidential under the Stipulated Protective Order, the information must
20 contain trade secrets or other confidential research, development or commercial information or
21 private or competitively sensitive information. (§1).

22 5. The Stipulated Protective Order requires that a party may not file any confidential
23 material in the public record. (§10). The Stipulated Protective Order further provides that any
24 party seeking to file any confidential material under seal must comply with Civil Local Rule 79-5.
25 (§1, 10.).

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6. The Objection and the Designated Exhibits contain such confidential material and, pursuant to Local Rule 79-5(e), Best Buy seeks to submit the following documents under seal to comply with the Protective Order in the CRT Antitrust MDL and the applicable Local Rules:

7. Best Buy's Objection to the Special Master's Order Re Best Buy's Motion for a Protective Order, which refers, contains, and/or reflects excerpts of documents and testimony that have been designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order.

8. **Exhibit 1** to the Martinez Declaration is a true and correct copy of Best Buy's May 16, 2014 Motion for a Protective Order submitted to the Special Master. It is designated as "Highly Confidential," and it contains and/or reflects information that has been designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order.

9. **Exhibit 2** to the Martinez Declaration is a true and correct copy of Defendants' June 2, 2014 Opposition to Best Buy's Motion for a Protective Order and Cross-Motion to Compel Interrogatory Responses, designated as "Highly Confidential," and which contains and/or reflect information that has been designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order.

10. **Exhibit 3** to the Martinez Declaration is a true and correct copy of Best Buy's June 12, 2014 Reply in Support of its Motion for a Protective Order, designated as "Highly Confidential," and which contains and/or reflect information that has been designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order.

11. **Exhibit 5** to the Martinez Declaration is a true and correct copy of Exhibit A (excerpts from the deposition transcript of Brian Stone, dated December 3, 2012) to the May 16, 2014 Declaration of David Martinez in Support of Best Buy's Motion for a Protective Order, designated as "Highly Confidential," and which contains and/or reflect information that has been designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective Order.

12. **Exhibit 7** to the Martinez Declaration is a true and correct copy of the Declaration of Eva W. Cole, submitted by Defendants on June 2, 2014 in Support of their Opposition to Best

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1 Buy's Motion for a Protective Order. Exhibits 1, 3, 4, 11, 15, 17, 19-28 to the Cole Declaration
2 were designated as "Highly Confidential" and contains and/or reflect information that has been
3 designated as "Confidential" or "Highly Confidential" pursuant to the Stipulated Protective
4 Order.

5 13. Therefore, Best Buy respectfully requests an order sealing portions of the
6 Objections and the Designated Exhibits in this case.

7 I declare under penalty of perjury under the laws of the United States and the State of
8 California that the foregoing is true and correct.

9 Executed this 7th day of July 2014, at Los Angeles, California.

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11 /s/ David Martinez
12 David Martinez
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